

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

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CLERK OF COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY

CARLOS PACHECO
Plaintiff

vs.

NORMAN MINETA, SECRETARY OF
TRANSPORTATION, FEDERAL AVIATION
ADMINISTRATION and WARREN MEEHAN
Defendants

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SA-02-CA-1087
JURY DEMAND

PLAINTIFF'S FIRST AMENDED ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, Carlos Pacheco, Plaintiff herein and files this his Plaintiff's First Amended Original Complaint, complaining of Norman Mineta, Secretary of Transportation, Federal Aviation Administration (hereinafter referred to as "FAA") and Warren Meehan, Defendants herein and would show the court as follows:

I.

PRELIMINARY STATEMENT

1. This is an action brought against the Federal Aviation Administration and Warren Meehan to redress violations of Plaintiff's civil rights, pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000 (e) et seq, as amended by the Civil Rights Act of 1991. Plaintiff also brings this action against Warren Meehan individually, to redress violations of his rights to free speech and equal protection of the law as guaranteed by the United States Constitution, pursuant to 42 U.S.C. § 1983.
2. Plaintiff filed a charge of discrimination and/or retaliation which has been investigated by the Agency and/or the Equal Employment Opportunity Commission (hereinafter, "EEOC") for more than

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180 days. Plaintiff has not yet received a final agency decision on his charge of discrimination. Plaintiff has exhausted his administrative remedies as required.

PARTIES

3. Plaintiff, Carlos Pacheco, is a resident of Corpus Christi, Nueces County, Texas.
4. Defendant, Norman Mineta, as Secretary of Transportation, Federal Aviation Administration, a federal agency, may be served pursuant to Fed. R. Civ. Proc. 4, at 400 7th Street SW, Washington, DC 20590.
5. Defendant Warren Meehan, is an individual residing in Corpus Christi, Nueces County, Texas, and may be served with process at his place of work, 900 International Blvd., Corpus Christi, Texas.

JURISDICTION and VENUE

6. This court has jurisdiction of the claims and causes of action asserted on the basis of federal question jurisdiction, and because Defendant FAA is an agency of the United States.
7. Venue is proper in the District Court, Western District of Texas, San Antonio Division.

STATEMENT OF FACTS

8. Plaintiff is an employee of Defendant, Federal Aviation Administration, in Corpus Christi, Nueces County, Texas. Plaintiff applied for a supervisory position in Corpus Christi, Texas pursuant to vacancy announcement ASW-AT-00-078. Plaintiff was qualified for the job, and was advised by memorandum dated February 28, 2000 that although he was among the pool of highly qualified applicants, another applicant was selected.
9. Plaintiff again applied for a supervisory position in Corpus Christi, Texas pursuant to vacancy announcement ASW-AT-00-200-50538. Plaintiff was qualified for the job, and once again was

notified by memorandum dated August 24, 2000 that although he was among the qualified applicants, another applicant was selected.

10. Plaintiff applied for supervisory positions and was clearly qualified in all respects. Plaintiff was not selected and the individuals selected on both occasions were Anglo male, and both had substantially inferior qualifications as compared to Plaintiff. Defendants' stated reasons for not selecting Plaintiff are merely pretexts for intentional discrimination on the basis of Plaintiff's race, Hispanic. Alternatively, and without waiving the foregoing, Defendants' stated reasons for not selecting Plaintiff are the result of disparate treatment on the basis of Plaintiff's race, Hispanic.

11. Additionally, Plaintiff has been denied his right to equal protection of the law, since he requested but was denied administrative work status by Defendant Meehan, when Defendant Meehan approved administrative work status for another employee under the same or similar circumstances and there was no rational basis for the difference in treatment afforded.

CAUSES OF ACTION

12. Plaintiff incorporates the above and foregoing as if set out fully herein.

13. Plaintiff alleges discrimination on the basis of his race, Hispanic. Plaintiff applied for positions for which he was qualified, and on two separate occasions employees, agents or representatives of the Defendant selected Anglo applicants who were far less qualified than Plaintiff. The proffered reasons for selecting the Anglo applicants over Plaintiff were mere pretexts for intentional discrimination on the basis of his race, Hispanic.

14. The application and selection process utilized by the Defendant disparately impacts Plaintiff in that Hispanic applicants in the Southwest Region of the Federal Aviation Administration are disproportionately not selected for supervisory and management positions as compared to Anglo

applicants.

15. Plaintiff has been retaliated against for filing complaints alleging discriminatory practices of the Federal Aviation Administration, in violation of the retaliation provisions of Title VII. Defendant Meehan, has retaliated against Plaintiff for speaking out about matters of public of concern in violation of rights protected by the First Amendment to the United States Constitution.

16. Plaintiff has been treated differently by Defendant Meehan as compared to other employees under the same or similar circumstances without any rational basis for the difference in treatment, in violation of the equal protection guarantees of the United States Constitution.

PRAYER FOR RELIEF

17. PLAINTIFF RESPECTFULLY REQUESTS A TRIAL BY JURY

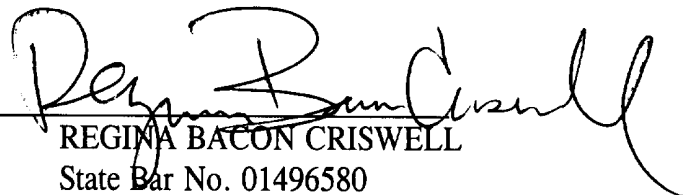
18. WHEREFORE, Plaintiff prays that upon final trial he recover all compensatory damages allowed by statute for the violations alleged, for his costs and attorney fees, and for such other and further relief to which he may be justly entitled.

Signed this the 12th day of March, 2003.

Respectfully submitted,

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